

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1428

H. P. 1107

House of Representatives, April 4, 1969

Read and referred to the Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Moreshead of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
AND SIXTY-NINE

MEMORIAL

To the Honorable Senate and House of Representatives of the United
States of America in Congress Assembled

**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS
OF THE UNITED STATES FOR THE CALLING OF A CONVENTION
TO PROPOSE AN AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES.**

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition you: Honorable Body as follows.

Whereas, Article V of the Constitution of the United States reads in part as follows: "The Congress . . . on the application of the legislatures of two-thirds of the several state, shall call a convention for proposing amendment, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states—"; and

Whereas, a total of 34 State Legislatures are needed to petition the U. S. Congress to act on "The Liberty Amendment," introduced by Congressman

James B. Utt of California, now pending before the Congress as House Joint Resolution 23; and

Whereas, the liberty amendment proposes to bar the Federal Government from its unconstitutional business activities; and

Whereas, the Federal Government presently owns over 700 corporations and hundreds of other business enterprises all of which amount to 20% of our nation's industrial capacity; and 40% of our nation's land area; and

Whereas, these unconstitutional government businesses compete with private enterprise and pay no taxes; and

Whereas, these government owned businesses lose annually an amount equal to what the federal income tax pays into the Federal Treasury Department; and

Whereas, the State Legislature of Texas, Wyoming, Nevada, Georgia, South Carolina, Louisiana and Mississippi have already passed this resolution; and

Whereas, the framers of the Constitution of the United States clearly foresaw the possibility of a condition similar to that herein described, and made provision in the Constitution for safeguarding the states against any oppression or invasion of rights by the Federal Government; now, therefore be it

Resolved: By the Legislature of the State of Maine, that said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE _____

"Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"Section 2. The Constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"Section 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three (3) years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"Section 4. Three (3) years after the ratification of this amendment, the sixteenth Article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates or gifts;" and be it further

Resolved: That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the

Maine delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of Maine, be sent to each House of each legislature of each state of the United States; and be it further

Resolved: That this application hereby made by the Legislature of the State of Maine shall constitute a continuing application in accordance with Article V, of the Constitution of the United States until at least $2/3$ of the legislatures of the several states shall have made similar applications pursuant to said Article V; and be it further

Resolved: That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and Record of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution; and be it further

Resolved: That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Maine interprets Article V to mean that if $2/3$ of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions, and be it further

Resolved: That the Legislature of the State of Maine does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of Maine who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof; and be it further

Resolved: That by its actions in these premises, the Legislature of the State of Maine does not in any way limit in any other proceeding its right to exercise its power to the full extent; and be it further

Resolved: That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.